

**Notice of Allowability**

Application No.

10/615,713

Examiner

Patricia L. Hailey

Applicant(s)

WAITKUS ET AL.

Art Unit

1755

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' response filed on January 3, 2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Applicants' remarks filed on January 3, 2005, have been carefully considered. No claims have been canceled or added; claims 1-20 remain pending in this application.

### ***Withdrawn Rejections***

The 102(b) rejections of claims 1-11 and 14-20 as being anticipated by Waitkus et al. (U. S. Patent No. 4,626,569), stated in the previous Office Action, has been withdrawn in view of Applicants' persuasive arguments regarding this rejection.

The 102(e) rejection of claims 1-20 as being anticipated by Reynolds, III et al. (U. S. Patent No. 6,503,652), stated in the previous Office Action, has been withdrawn in view of Applicants' persuasive arguments regarding this rejection.

### ***Allowable Subject Matter***

1. Claims 1-20 are allowed.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed method for forming a fuel cell electrode by combining an electrically conductive material and a solid grindable resole resin binder that is essentially free of nitrogen and nitrogen-

containing compounds; the electrode is formed by consolidating the electrically conductive material and the binder.

Waitkus et al. teach away from the claimed invention in that the resol resins disclosed therein contain hexa (hexamethylenetetramine), which is present to obtain a harder and more easily grindable resol (col. 1, line 66 to col. 2, line 5). Hexa is a known curing agent in producing novolac resins (col. 2, lines 6+ of Waitkus et al.).

Reynolds, III et al. disclose the employment of liquid resins, or, at least resins having a viscosity sufficient to allow them to penetrate the carbon sheet; further, a solvent may be added to the resins to control or adjust the viscosity (col. 12, lines (49-60). Additionally, Reynolds, III et al. at col. 8, lines 39-45 disclose an epoxy resin system based on bisphenol A (DGEBA), which is different from the claimed solid grindable resole resins.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

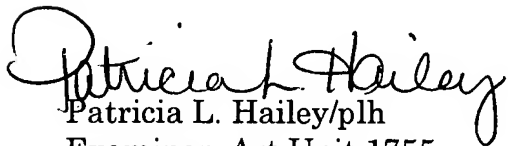
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patricia L. Hailey/plh  
Examiner, Art Unit 1755  
March 21, 2005

  
J.A. LORENGO  
PRIMARY EXAMINER